Criminal Revision No.628 of 1993.

IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

...

Date of Decision November 16, 2007.

Bakshi Ram **...** Petitioner

VERSUS

State of Haryana **...**Respondent

1. Whether the Reporters of Local Newspapers may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest ?

CORAM :

HON'BLE MR. JUSTICE MOHINDER PAL.

Present: Mr. H.S. Gill, Senior Advocate, with
Mr.Vivek Goyal, Advocate,
for the petitioner.

Mr. S.S. Goripuria, Deputy Advocate General, Punjab.

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MOHINDER PAL, J.

Petitioner Bakshi Ram was sent up for trial for the offence punishable under Section 7 read with Section 16 (1) (c)

of the Prevention of Food Adulteration Act, 1954 (for short `the Act'), The Sub Divisional Judicial Magistrate, Jhajjar, vide judgment of conviction dated February 11, 1993, and the sentence order dated February 18, 1993, convicted the petitioner under Section 7 read with Section 16 (1) (c) of the Act and sentenced him to undergo rigorous imprisonment for six months and to pay a fine of Rs.1,000/- and in default of payment of fine to undergo further rigorous imprisonment for three months. Feeling aggrieved against his conviction and sentence order, the petitioner filed appeal before the Court of Session at Rohtak. Vide judgment dated September 17, 1993, the learned Additional Sessions Judge, Rohtak, dismissed the appeal. Hence this revision petition.

2. Learned counsel for the petitioner does not challenge his conviction. He, however, submitted that the occurrence relates to March 29, 1986. After a protracted trial, the petitioner was sentenced on February 18, 1993, by the trial Court and his appeal was dismissed on September 17, 1993. He prayed that although the petitioner remained incarcerated for about a week, but keeping in view the fact that Sword of Damocles remained hanging over his head for more than twenty one years, lenient view may be taken against the petitioner and that the impugned sentence order may be modified.

3. In view of what has been stated above and keeping in view the fact that at the time of occurrence, the petitioner was aged about 65 years and he was a first offender, I think no useful purpose will be served in sending the petitioner to

prison at this stage.

4. Consequently, conviction of the petitioner under Section 7 read with Section 16 (1) (c) of the Act is maintained. However, the sentence of imprisonment is reduced to the one already undergone by him. The sentence of fine shall remain unaltered.The impugned sentence order stands modified to the extent indicated above.

This revision petition stands disposed of accordingly.

November 16, 2007. **(MOHINDER PAL)**
ak **JUDGE**